

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 109 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Jan. 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28, carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

#### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Jan. 21, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 5 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1935.

Hon. Walter F. Woodul, President of The Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 68, carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 28 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

#### Committee of the Whole Senate.

Committee Room,

Austin, Texas, Jan. 21, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We your Committee of the Whole Senate, to whom was referred S. R. No. 22, To amend and adopt Senate rules for the Forty-fourth Legislature of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

DeBERRY, Chairman.

#### TENTH DAY.

Senate Chamber,

Austin, Texas,

January 22, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

#### Absent—Excused.

Davis.

Oneal.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

##### S. C. R. No. 6.

Senator Shivers sent up the following resolution:

Whereas, In Texas today, there are several thousand men who, during the World War, gave of their time and a great sacrifice to their families, as well as themselves, to fight in a war to make this world safe for Democracy; and

Whereas, There are thousands of these ex-soldiers in Texas today who are facing starvation, poverty, and want because of the economic situation which is slowly adjusting itself throughout Texas and the United States; and

Whereas, These ex-soldiers rendered to the State of Texas and the United States Government a service that cannot be valued; and

Whereas, The United States Congress has appropriated millions of

dollars to assist railroads, insurance companies, banks, and big business in the United States; and

Whereas, The United States Government executed a loan to foreign nations of Europe to pay the debts of these foreign countries, both to their ex-soldiers and to others; and

Whereas, The Federal Government, out of respect for and in honor of the great service rendered by the patriotic men of the United States, has adopted a policy providing for adjusted service certificates for ex-service men; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we memorialize the United States Senators and Congressmen from Texas to support a plan for the immediate cash payment of ex-service men's adjusted certificates during the present session of Congress; and be it further

Resolved, That a copy of this resolution be mailed to each member of Congress from Texas.

SHIVERS,  
BURNS,  
PACE,  
SANDERFORD.

Read and referred to the Committee on Federal Relations.

#### Senator Excused.

Senator Oneal was excused on account of important business on motion of Senator Cotten.

#### Senate Resolution No. 22.

The regular order of business was consideration of S. R. No. 22.

S. R. No. 22, A resolution to amend and adopt Senate Rules for the Forty-fourth Legislature of the State of Texas.

Senator Woodruff asked unanimous consent that under sub-section 9, that the parenthesis be removed and the different sub-sections be lettered.

Unanimous consent was granted.

#### Division Called For.

Senator Woodruff moved that the Senate take up S. R. No. 22 section by section, and that the Senate act on each section as it is taken up.

The motion prevailed by viva voce vote.

#### Rule No. 11.

Senator Woodruff moved that the Senate adopt Rule No. 11 as read.

The motion prevailed by viva voce vote.

#### Motion to Adjourn.

Senator Stone at 12:15 o'clock p. m., moved that the Senate adjourn until 10.00 o'clock a. m. Thursday.

#### Substitute Motion.

Senator Pace as a substitute moved that the Senate recess until 2:30 o'clock p. m.

The motion by Senator Stone lost by viva voce vote.

The motion by Senator Pace prevailed by viva voce vote.

#### After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

#### Senate Resolution No. 22.

Pending business was S. R. No. 22.

#### Senate Bill No. 131.

Senator Shivers received unanimous consent to suspend the regular order of business to have read and referred the following bills:

#### By Senator Shivers:

S. B. No. 131, A bill to be entitled "An Act to amend Sections 1, 2 and 4 of Chapter 45, Acts of the Forty-third Legislature, Regular Session, relating to the wages paid on public work, and declaring an emergency."

Read and referred to the Committee on Labor.

#### Senate Bill No. 132.

#### By Senator Shivers:

S. B. No. 132, A bill to be entitled "An Act amending Article 3810 of the Revised Civil Statutes of the State of Texas, 1925, providing for notices of sale of real estate under deeds of trust, manner of giving notice, contents of same, affidavit of mailing notice, place of sale; repealing all laws in conflict; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senate Bill No. 133.

#### By Senator Shivers:

S. B. No. 133, A bill to be entitled "An Act to amend Article 7567 of

Title 128 of the Complete Statutes of Texas, 1928, so as to give to interested parties dissatisfied with the ruling and decision of the Board of Water Engineers with respect to the charge of canal companies for water for irrigating crops the right to litigate the matter in the district court of the county in which the canal company has its principal office and place of business, and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

**Senate Bill No. 134.**

By Senator Shivers:

S. B. No. 134, A bill to be entitled "An Act amending Article 5449 of the Revised Civil Statutes of Texas (1925), so as to provide that liens created by the abstracting and recording of judgments shall exist as long as the judgment is alive, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

**Senate Bill No. 135.**

By Senator Shivers:

S. B. No. 135, A bill to be entitled "An Act amending Chapter 18, Acts of the Forty-third Legislature, Second Called Session, page 54, (Article 3886-B) providing for the maximum compensation of assistant county attorneys and other employees of the county attorney in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants and containing two cities of fifty thousand (50,000) population or more each according to the last Federal census of 1930; providing for the compensation of assistant county attorneys and other employees of the county attorneys in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective from and after its passage and declaring an emergency."

Read and referred to the Committee on State Affairs.

**S. C. R. No. 7.**

Senator Regan sent up the following resolution:

Agreeing and consenting for the Federal government to purchase

lands in Texas for National Parks or National Forest purposes.

REGAN.

Read and referred to the Committee on State Affairs.

**Resolutions Signed.**

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 13.

H. C. R. No. 14.

**Messages from the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Jan. 22, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 16, Recommending and requesting the United States Department of Agriculture to assign the acreage to be planted in rice.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Jan. 22, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. C. R. No. 13 by a vote of 123 yeas and no nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Jan. 22, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 226, A bill to be entitled "An Act amending H. B. No. 49, Chapter 23, enacted by the First Called Session of the Forty-second Legislature, and brought forward in the codification of the statutes as Section 124 of Article 199, Revised

Statutes; creating the One Hundred and Twenty-fourth Judicial District to be constituted of Gregg County, Texas, only; providing for the terms thereof; providing that such amendment should take the place of H. B. No. 49, Chapter 23, Section 124, of Article 199, enacted by the First Called Session of the Forty-second Legislature; providing that such amendment, in so far as it affects the creation of the One Hundred and Twenty-fourth Judicial District of Gregg County, Texas, the appointment of a suitable judge therefor, and other matters relating to the duties of said court, or affecting the same, should not become operative until August 13, 1935, etc., and declaring an emergency."

Respectfully submitted,  
**LOUISE SNOW PHINNEY,**  
 Chief Clerk, House of Representatives.

#### H. C. R. No. 16.

The Chair laid before the Senate: H. C. R. No. 16, Recommending and requesting the United States Department of Agriculture to assign the acreage to be planted.

Read and referred to the Committee on Agriculture.

#### Bill Referred.

H. B. No. 226 was referred to the Committee on Judicial Districts.

#### Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,  
 Austin, Texas, Jan. 22, 1935.  
 To the Forty-fourth Legislature of the State of Texas:

I hereby submit to you as an emergency matter for your immediate consideration, an emergency appropriation for the Attorney General's Department of the State Government covering the items of expenditures therein enumerated and recommend that the same receive your favorable consideration.

The Attorney General's Department is put to a great amount of expense in defending the numerous suits authorized by the Legislature to be filed against the State of Texas and the State Highway Department

for damages in the various counties in the State.

I also call your attention to the fact that the Attorney General's Department has recently been required to expend a greater amount of money than would have been ordinarily the case in the enforcement of oil and gas laws making it necessary that its regular appropriation be supplemented as set out in the bill herewith submitted.

Respectfully submitted,  
**JAMES V. ALLRED,**  
 Governor of Texas.

#### S. C. R. No. 8.

Senator Hornsby received unanimous consent to send up the following resolution:

Whereas, The President of these United States called into service a former member of the Texas Legislature to represent this country as Minister to the Republic of Chile, and

Whereas, For two years the Minister to Chile has rendered distinguished service which has been recognized in Washington as outstanding, and

Whereas, The Minister is now in Texas on a short visit and the present Legislature has an opportunity of having him address them, now therefore, be it

Resolved by the Senate of Texas, House of Representatives concurring, That Honorable Hal H. Sevier, United States Minister to Chile, be and is hereby invited to address the Legislature at such time that will suit his convenience, and be it further

Resolved, That the Lieutenant Governor and Speaker of the House be and they are hereby authorized and directed to notify Honorable Hal H. Sevier of this resolution.

**NEAL,**  
**HORNSBY.**

Senator Hornsby moved to suspend the constitutional rule requiring resolutions to be sent to a committee as to S. C. R. No. 8.

The motion prevailed.

Senator Hornsby moved the adoption of S. C. R. No. 8.

The motion prevailed by viva voce vote.

#### Point of No Quorum.

Senator Rawlings raised the point of order that no quorum was present. The roll call disclosed a quorum.

**At Ease.**

On motion of Senator DeBerry the Senate at 2:40 o'clock p. m. stood at ease subject to the call of the Chair.

**Senate Resolution No. 22.**

Recurring business was S. R. No. 22.

Senator Collie asked unanimous consent to withdraw his substitute amendment to the Sanderford amendment, and that it be expunged from the record.

Unanimous consent was granted.

Senator Sanderford asked unanimous consent to withdraw his amendment to S. R. No. 22, and that it be expunged from the record.

Unanimous consent was granted.

Senator DeBerry sent up the following amendment to S. R. No. 22:

Amend S. R. No. 22 by substituting for Sections 2, 3 and 4 of Rule 92, the following:

(2) Accredited newspaper and leased wire association correspondents and reporters shall be assigned appropriate and convenient seats in the Senate by direction of the President. Provided, however, that privileges of the floor shall be extended only to accredited correspondents and reporters for telegraphic and leased wire news associations, daily publications and news-gathering agencies, and weekly newspapers publishing general news, and such other journals which regularly report the proceedings of the Senate and news of the State Government.

(2-A) Privileges of the floor shall not be extended to those correspondents whose sole or principal occupation is that of reporting for publications known to the publishing trade as house organs, fraternal newspapers, society magazines, trade organs, weekly school newspapers, monthly or quarterly publications; nor any publication which does not regularly publish news of state affairs.

(3) Provided, that no news correspondent or reporter, or any person whomsoever who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be admitted upon the floor of the Senate or rooms leading thereto when the Senate is in session, nor shall any correspondent or reporter be admitted to the Senate floor or rooms and halls lead-

ing thereto when the Senate is in session who is receiving any compensation or emolument, other than from his journalistic employment, from any persons, corporation, firm or association engaged in lobbying or privately interested in pending legislation.

(4) Every correspondent, before being admitted to the Senate during its session, shall comply with the following provisions:

(a) Exhibit to the Secretary of the Senate credentials from his employer or news bureau chief.

(b) File with the Secretary of the Senate a written statement showing the publications which he represents, and certifying that his principal occupation is that of a correspondent or journalist, and that he is eligible to privileges of the floor under provision of Section 2-A of Rule 92; and further, that he is not receiving any compensation or emolument, directly or indirectly, from any person, firm, corporation or association lobbying for or against any pending or prospective legislation.

(5) It shall be in order for the President to entertain a request, a motion or resolution for the suspension of this Rule, insofar as it affects newspaper representatives, or to present from the Chair the request for unanimous consent for such suspension.

DeBERRY,  
RAWLINGS,  
COLLIE,  
HORNSBY,  
SULAK,  
SANDERFORD.

The amendment was read.

Senator Woodruff sent up the following amendment to the amendment:

Amend the amendment to S. R. No. 22, by adding at the end of Section 2, the following:

"and representatives of college and university publications, daily, weekly or monthly."

WOODRUFF.

**Motion to Table.**

Senator Rawlings moved to table the amendment to the amendment by Senator Woodruff.

The motion to table prevailed by viva voce vote.

Senator DeBerry moved the adoption of his amendment.

The motion prevailed by viva voce vote.

**Rule 92.**

Senator Van Zandt asked unanimous consent that at the end of subsection 7 of Rule 92 the words "by the President" be added.

Unanimous consent was granted.

**Section 96 to 101.**

Senator DeBerry asked unanimous consent to pass over Sections 96 to 101 inclusive, as they required a 4/5 vote to be acted upon, and to take up the remainder of the sections in order.

Unanimous consent was granted.

**Rule 102.**

Senator Burns sent up the following amendment:

Amend S. R. No. 22, Rule 102, by striking out all of the words after the word "absentees" down through the word "Journal," page 141, Senate Journal.

BURNS.

Read.

**Motion to Table.**

Senator Rawlings moved to table the amendment by Senator Burns.

The motion to table prevailed by a tie vote:

**Yeas—12.**

Collie.	Neal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Hornsby.	Sanderford.
Hughston.	Woodruff.

**Nays—12.**

Burns.	Moore.
Davis.	Regan.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Sulak.
Martin.	Van Zandt.

**Absent.**

Beck.	Redditt.
Blackert.	Stone.
Hopkins.	Westerfeld.

**Absent—Excused.**

Oneal.

The Chair, Lieutenant Governor Walter F. Woodul, voted "yea" to break the tie.

**Rule 103.**

Adopted as read.

**Rule 104.**

Senator DeBerry sent up the following amendment:

Amend S. R. No. 22, Rule No. 104 by having all after line 4, column 2 on page 141, read hereafter as follows:

"However after such public hearing has been concluded on any bill, a majority of the committee may direct that action by committee on any such bill be taken in executive session; provided further that a record of such proceedings had in such executive session shall be kept and the same shall be open for public inspection."

DeBERRY,  
POAGE.

Read.

Senator DeBerry moved the adoption of the amendment.

Senator Woodruff sent up an amendment to the amendment:

Amend DeBerry amendment by inserting at appropriate place the words "without debate."

WOODRUFF.

**Motion to Table.**

Senator Poage moved to table the Woodruff amendment.

The motion to table lost by viva voce vote.

The Woodruff amendment to the amendment was adopted by viva voce vote.

The DeBerry amendment as amended was adopted by viva voce vote.

**Rule 105.**

Senator Collie asked unanimous consent to insert the word "unexcused" before the word "absentees" in Rule 105.

Unanimous consent was granted.

**Rule 106.**

Senator Martin sent up the following amendment:

Amend S. R. No. 22, Rule No. 106, by striking out of said rule the following words "majority vote of the committee" and substituting

therefor the following: "the chairman of said committee."

MARTIN.

Read and adopted by viva voce vote.

#### Rule 107.

Adopted as read.

#### Motion to Adjourn.

Senator Van Zandt at 4:40 o'clock p. m., moved to adjourn until 10 o'clock a. m., Wednesday.

The motion prevailed by viva voce vote.

### APPENDIX.

#### Committee Reports.

Committee Room,  
Austin, Texas, Jan. 22, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 226, A bill to be entitled "An Act amending H. B. No. 49, Chapter 23, enacted by the First Called Session of the Forty-second Legislature, and brought forward in the codification of the statutes as Section 124 of Article 199, Revised Statutes; creating the 124th Judicial District to be constituted of Gregg County, Texas only; providing for the terms thereof; providing that such amendment should take the place of H. B. No. 49, Chapter 23, Section 124, of Article 199, enacted by the First Called Session of the Forty-second Legislature; providing that such amendment, in so far as it affects the creation of the 124th Judicial District of Gregg County, Texas, the appointment of a suitable judge therefor, and other matters relating to the duties of said court, or affecting the same, should not become operative until August 13, 1935, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Debts, to whom was referred

S. B. No. 78, A bill to be entitled "An Act amending Article 7941, Revised Civil Statutes, 1925, by adding thereto Article 7941a, authorizing any fresh water supply district which has heretofore been organized under the laws of the State and has issued bonds, and any fresh water supply district hereafter organized and which may issue bonds, to refund such bonds by issuing new coupon bonds for such purposes; prescribing the rate of interest such bond shall bear, the maturities thereof, and manner of execution; providing for the approval of such bonds by the Attorney General and registration by the Comptroller; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Vice-Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Debts, to whom was referred

S. B. No. 79, A bill to be entitled "An Act amending Article 8136, Revised Civil Statutes 1925, by adding thereto Article 8136a, authorizing any drainage district which has heretofore been organized under the laws of the State and has issued bonds, and any drainage district hereafter organized, and which may issue bonds, to refund such bonds by issuing new coupon bonds for such purpose; prescribing the rate of interest such bonds shall bear, the maturities thereof, and manner of execution; providing for the approval of such bonds by the Attorney General and registration by the Comptroller, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Vice-Chairman.

#### ELEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
January 23, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.